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EXTRAORDINARY

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PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 6th December, 2007:—

BILL No. 97 OF 2007

A Bill further to amend the Land Acquisition Act, 1894.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Land Acquisition (Amendment) Act, 2007.

Short title
and com-
mencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act and any reference in any provision to the commencement of this Act shall be construed as reference to the coming into force of that provision.

2. In the long title to the Land Acquisition Act, 1894 (hereinafter referred to as the principal Act), the words “and for Companies” shall be omitted.

Amendment of
long title.

Amendment
of preamble.

3. In the principal Act, in the preamble, the words “and for Companies” shall be omitted.

Insertion of
new section
1A

4. After section 1 of the principal Act, the following section shall be inserted, namely:—

Application
of Rehabilita-
tion and
Resettlement
Act, 2007 to
persons
affected due
to land
acquisition.

“1A. The provisions of the Rehabilitation and Resettlement Act, 2007 shall apply in respect of acquisition of land by the appropriate Government under this Act.”

Amendment
of section 3.

5. In section 3 of the principal Act,—

(i) for clause (b), the following clause shall be substituted, namely:—

‘(b) the expression “person interested” includes,—

(i) all persons claiming an interest in compensation to be made on account of the acquisition of land under this Act;

(ii) tribals and other traditional forest dwellers, who have lost any traditional rights recognised under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006;

2 of 2007.

(iii) a person interested in an easement affecting the land; and

(iv) persons having tenancy rights under the relevant State laws;’

(ii) after clause (cc), the following clause shall be inserted, namely:—

‘(ccc) the expression “cost of acquisition” includes—

(i) compensation awarded including the solatium and other amount and interest payable thereupon;

(ii) demurrage to be paid for damages caused to the land and standing crops in the process of acquisition;

(iii) cost of acquisition of out-project land for settlement of displaced or adversely affected families;

(iv) cost of development of infrastructure and amenities at resettlement sites;

(v) additional cost of resettlement as may be required after admissible adjustment of rehabilitation and resettlement cost against compensation awarded to affected persons or families;

(vi) administrative cost of acquisition of land including both in-project and out-project areas lands; and

(vii) administrative cost involved in planning and implementation of resettlement and rehabilitation packages for providing physical rehabilitation and resettlement to the entitled and interested families, displaced or adversely affected on account of in-project acquisition of land;’

(iii) clauses (d) and (e) shall be omitted;

(iv) for clause (ee), the following clause shall be substituted, namely:—

‘(ee) the expression “appropriate Government” means,—

(i) in relation to acquisition of land for the purposes of the Union, the Central Government;

(ii) in relation to acquisition of land for the purposes of any infrastructure project in more than one State, the Central Government; and

(iii) in relation to acquisition of land for any other purpose, the State Government;';

(v) for clause (f), the following clause shall be substituted, namely:—

'(f) the expression "public purpose" includes,—

(i) the provision of land for strategic purposes relating to naval, military and air force works or any other work vital to the State;

(ii) the provision of land for infrastructure projects of the appropriate Government, where the benefits accrue to the general public; and

(iii) the provision of land for any other purpose useful to the general public, for which land has been purchased by a person under lawful contract to the extent of seventy per cent. but the remaining thirty per cent. of the total area of land required for the project is yet to be required.

Explanation.—The word "person" shall include any company or association or body of individuals, whether incorporated or not.';

(vi) after clause (f), the following clause shall be inserted, namely:—

'(ff) the expression "infrastructure project" shall include,—

(i) any project relating to generation, transmission or supply of electricity;

(ii) construction of roads, highways, bridges, airports, ports, rail systems or mining activities;

(iii) water supply project, irrigation project, sanitation and sewerage system; or

(iv) any other public facility as may be notified in this regard by the Central Government in the Official Gazette;';

(vii) in clause (g), for the expression "court", wherever it occurs, the expression "the Authority for the Centre or, as the case may be, the Authority" shall be substituted;

(viii) after clause (g), the following clauses shall be inserted, namely:—

'(h) the expression "Authority" means the Land Acquisition Compensation Disputes Settlement Authority established by the State Government under sub-section (1) of section 17A;

(i) the expression "Authority for the Centre" means the Land Acquisition Compensation Disputes Settlement Authority for the Centre established by the Central Government under sub-section (1) of section 17L;

(j) the expression "Member" means a Member of the Authority for the Centre or, as the case may be, the Authority, and includes the Chairperson.';

6. Throughout the principal Act, the words "or for a company" along with their grammatical variations, shall be omitted.

Omission of the expression "or for a company" throughout the Act.

Substitution of words
"Authority for the Centre or the Authority" in place of words "the Court" throughout the Act.

7. Throughout the principal Act except in *Explanation* to sub-section (1A) of section 23, for the words "the Court", along with their grammatical variations the words "the Authority for the Centre or, as the case may be, the Authority" shall be substituted.

Insertion of new section 3A.

8. After section 3 of the principal Act, the following section shall be inserted, namely:—

Mandatory social impact assessment prior to acquisition of land under this Act.

"3A. Whenever the appropriate Government intends to acquire land for public purpose involving physical displacement of—

(i) four hundred or more families *en masse* in plain area; or

(ii) two hundred or more families *en masse* in tribal or hilly areas or Desert Development Programme blocks or areas specified in Fifth Schedule or Sixth Schedule to the Constitution,

a social impact assessment study shall be carried out in the affected area for the purpose of social impact appraisal, incorporation of Tribal Development Plan, plan for giving emphasis for the Scheduled Castes, the Scheduled Tribes and other vulnerable sections of the society, provision for infrastructural amenities and facilities in the proposed resettlement area in terms of the provisions contained in Chapters II, IV, V and VI of the Rehabilitation and Resettlement Act, 2007, in such manner and within such time as may be prescribed by rules made by the Central Government."

Amendment of section 4.

9. In section 4 of the principal Act,—

(a) in sub-section (1), the following provisos shall be inserted, namely:—

"Provided that where no declaration is made consequent upon the issue of a notification under sub-section (1) within the time limit specified in sub-section (1) of section 6, no fresh notification under this sub-section shall, subsequent to the expiry of the period aforesaid, be made for a period of one year in respect of the same land:

Provided further that in case a notification issued under sub-section (1) in respect of a particular land lapsed for the second time, no proceeding under sub-section (1) shall be initiated at least for a period of five years from the date of such notification.";

(b) After sub-section (1), the following sub-sections shall be inserted, namely:—

"(1A) No person shall make any transaction or cause any transaction of land specified in the notice of acquisition to create any encumbrances on such land from the date of publication of such notice under this section till the final declaration under section 6, or the award made and paid under section 16 of the Act, whichever is earlier:

Provided that the Collector may, on the application made by the land owner in respect of the land so notified, exempt in special circumstances to be recorded in writing, such owner from the operation of this sub-section:

Provided further that any loss or injury suffered by any person due to his wilful violation of this provision shall not be made up by the Collector.

(1B) After issuance of notice under sub-section (1), the Collector shall, before issue of declaration under section 6, undertake and complete the exercise of updating of land records, classification of land and its tenure, survey and

standardisation of land and property values in respect of the land under acquisition.”.

10. In section 6 of the principal Act, in sub-section (1),—

Amendment
of section 6.

(i) the words and figures “subject to the provisions of Part VII of this Act” shall be omitted;

(ii) the *Explanation* 1 shall be omitted.

11. After section 8 of the principal Act, the following section shall be inserted, namely:—

Insertion of
new section
8A.

“8A. The damages caused while carrying out works on land such as survey, digging or boring sub-soil, marking boundaries or cutting trenches or clearing away any standing crop, fence or forest or doing such other acts or things which may cause damages while acting under section 4 particularly relating to land which is excluded from acquisition proceeding, shall be evaluated and compensation shall be paid to the persons having interest in that land, within six months from the completion of the said works.”.

Evaluation of
damages
during survey,
measurement,
etc.

12. For section 11A of the principal Act, the following section shall be substituted, namely:—

Substitution of
new section
for section
11A.

“11A. The Collector shall make an award under section 11 within a period of one year from the date of the publication of the declaration and if no award is made within that period, the entire proceedings for the acquisition of the land shall lapse:

Period within
which an
award shall be
made.

Provided that in a case where the said declaration has been published before the commencement of the Land Acquisition (Amendment) Act, 2007, the award shall be made within a period of one year from such commencement:

Provided further that the Collector may, after the expiry of the period of limitation, if he is satisfied that the delay has been caused due to unavoidable circumstances, and for the reasons to be recorded in writing, he may make the award within an extended period of six months:

Provided also that where an award is made within the extended period, the entitled person shall, in the interest of justice, be paid an additional compensation for the delay in making of the award, every month for the period so extended, at the rate of not less than five per cent. of the value of the award, for each month of such delay.”.

13. After section 11A of the principal Act, the following sections shall be inserted, namely:—

Insertion of
new sections
after section
11A.

“11B. (1) The Collector shall adopt the following criteria in assessing and determining the market value of the land,—

Determina-
tion of
market value
of land.

(i) the minimum land value, if any, specified in the Indian Stamp Act, 1899 for the registration of sale deeds in the area, where the land is situated; or

(ii) the average of the sale price for similar type of land situated in the village or vicinity, ascertained from not less than fifty per cent. of the sale deeds registered during the preceding three years, where higher price has been paid; or

(iii) the average of the sale price, ascertained from the prices paid or agreed to be paid for not less than fifty per cent. of the land already purchased for the project where higher price has been paid, for the purpose of item (iii) of clause (f) of section 3.

whichever is higher.

(2) Where the provisions of sub-section (1) are not applicable for the reason that—

(i) the land is situated in such area where the transactions in land are restricted by or under any other law for the time being in force in that area; or

(ii) the registered sale deeds for similar land as mentioned in clause (i) of sub-section (1) are not available for the preceding three years; or

(iii) the minimum land value has not been specified under the Indian Stamp Act, 1899 by the appropriate authority,

2 of 1899.

the concerned State Government shall specify the floor price per unit area of the said land based on the average higher prices paid for similar type of land situated in the adjoining areas or vicinity, ascertained from not less than fifty per cent. of the sale deeds registered during the preceding three years where higher price has been paid, and the Collector may calculate the value of the land accordingly.

(3) The Collector shall, before assessing and determining the market value of the land being acquired under this Act,—

(a) ascertain the intended land use category of such land; and

(b) take into account the value of the land of the intended category in the adjoining areas or vicinity,

for the purpose of determination of the market value of the land being acquired.

(4) In determining the market value of the building and other immovable property or assets attached to the land or building which are to be acquired, the Collector may use the services of a competent engineer or any other specialist in the relevant field, as may be considered necessary by the Collector.

(5) The Collector may, for the purpose of determining the value of trees and plants, use the services of experienced persons in the field of agriculture, forestry, horticulture, sericulture, or any other field, as may be considered necessary by him.

(6) For the purpose of assessing the value of the standing crops damaged during the process of land acquisition proceedings, the Collector may utilise the services of experienced persons in the field of agriculture as he considers necessary.

Part payment
of compensa-
tion by shares,
debentures,
etc

11C. (1) When land is acquired for the purpose of item (iii) of clause (f) of section 3 and the person for whom the land is acquired is a company authorised to issue shares and debentures, such company shall, with the previous approval of the appropriate Government, offer its shares or debentures to the extent of fifty per cent. but in any case not less than twenty per cent. of the compensation amount to be paid to the person whose land has been acquired.

(2) On the acceptance of the offer, a part of the compensation amount shall be adjusted by transfer of shares and debentures to the person to whom such compensation is due and on such transfer the liability of the company in respect of such part of the compensation shall stand discharged.

(3) The allotment of shares and debentures mentioned in this section shall be made by the company in such manner as may be prescribed.

Explanation.—In this section, the expression “shares and debentures” has the same meaning as assigned to it under the Companies Act, 1956.

1 of 1956.

Amendment
of section 12.

14. In section 12 of the principal Act, after sub-section (2), the following sub-sections shall be inserted, namely:—

“(3) The Collector shall keep open to the public and display a summary of the entire proceedings undertaken in a case of acquisition of land including the amount of

compensation awarded to each individual along with details of the land finally acquired under this Act.

(4) For the purposes of sub-section (3), the summary of the entire proceedings shall include the summary of schedule for payment of compensation, dates of taking possession of the land and such other information as may be prescribed.

(5) It shall be the duty of the Collector to ensure that physical possession of the land is taken over and the amount of compensation is paid within a period of sixty days commencing from the date of the award.

(6) The possession of the land acquired shall not be taken unless the compensation due under this Act is paid in full or is tendered to the entitled person."

15. In section 15 of the principal Act, for the words and figures "sections 23 and 24", the words, figures and letter "sections 11B, 23 and 24" shall be substituted.

Amendment
of section 15.

16. In section 17 of the principal Act, after sub-section (4), the following sub-section shall be inserted, namely:—

Amendment
of section 17.

"(5) Without prejudice to the provisions of sub-section (3) and sub-section (3A), an additional compensation of seventy-five per cent. of the market value as determined under section 11B, shall be paid by the Collector in respect of land and property for acquisition of which proceedings have been initiated under sub-section (1) of this section."

17. After Part II of the principal Act, the following Parts shall be inserted, namely:—

Insertion of
new Parts IIA
and IIB.

'PART IIA

ESTABLISHMENT OF THE STATE AUTHORITY

17A. (1) The State Government shall, for the purpose of providing speedy disposal of disputes relating to land acquisition compensation, establish, by notification in the Official Gazette, an Authority for the State to be known as the (name of the State) Land Acquisition Compensation Disputes Settlement Authority to exercise the jurisdiction, powers and authority conferred on it by or under this Act with regard to acquisition of land by the State Government:

Establishment
of Land
Acquisition
Compensation
Disputes
Settlement
Authority.

Provided that a State Government may constitute more than one Authority or the benches thereof, for the purposes of this Act, if considers necessary.

(2) The head office of the Authority shall be at such place as the State Government may, by notification in the Official Gazette, specify.

(3) The Authority shall consist of not more than three but not less than two Members, including the Chairperson to be appointed by the State Government.

(4) The Members of the Authority shall be persons of ability, integrity and standing who have adequate knowledge of, and have shown capacity in, dealing with the problems relating to land acquisition matters, public administration, finance, economics and law.

(5) A person shall not be qualified to be a Member of the Authority unless he is or has been—

(i) a judge of a district court;

(ii) an officer of the State Government not below the rank of district collector;

(iii) an officer of the State Government in the Law Department not below the rank of Director.

(6) The Members of the Authority shall not hold any other office.

(7) The Authority shall ensure transparency while exercising its powers and discharging its functions.

Term of office
and conditions
of service of
Members.

17B. (1) A Member shall hold office for a term of five years from the date he enters upon his office:

Provided that the Member shall not be eligible for reappointment in the same capacity in that Authority in which he had earlier held the office:

Provided further that no Member shall hold office as such after he has attained the age of sixty-seven years.

(2) A Member of the Authority may, by notice in writing under his hand addressed to the State Government, resign his office:

Provided that the Member shall, unless he is permitted by the State Government to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is the earliest.

(3) The salary, allowances and other terms and conditions of service of the Members shall be such as may be prescribed by the State Government:

Provided that the salary, allowances and other terms and conditions of service of the Members, shall not be varied to their disadvantage after appointment.

Removal of
Member.

17C. (1) No Member shall be removed from office except in accordance with the provisions of this section.

(2) The State Government may by order remove from office any Member, if he—

(a) has been adjudged an insolvent;

(b) has been convicted of an offence which, in the opinion of the State Government, involves moral turpitude;

(c) has become physically or mentally incapable of acting as a Member;

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a Member;

(e) has so abused his position as to render his continuance in office prejudicial to the public interest; or

(f) has been guilty of proved misbehaviour.

(3) No person shall be removed under this section until that person has been given an opportunity of being heard in the matter.

Officers and
employees of
Authority.

17D. (1) The State Government may specify the numbers, nature and categories of the officers and employees of the Authority.

(2) The salaries and allowances payable to, and other terms and conditions of service of, the officers and employees of the Authority shall be such as may be prescribed by the State Government.

Proceedings of
Authority.

17E. The Authority shall have its sittings at the head office or any other place and at such time as the Chairperson may direct, and shall observe such rules of procedure in regard to the transaction of business in its sittings as it may specify.

Filling of a
casual vacancy.

17F. A casual vacancy in the office of a Member of the Authority shall be filled by the State Government, by notification in the Official Gazette, as soon as may be, after the occurrence of the vacancy.

5 of 1908.

17G. (1) The Authority shall, for the purposes of the settlement of disputes relating to land acquisition compensation under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of the following matters, namely:—

Powers of Authority.

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) discovery and production of any document or other material object producible as evidence;

(c) receiving evidence on affidavits;

(d) requisitioning of any public record;

(e) issuing commission for the examination of witnesses;

(f) reviewing its decisions, directions and orders;

(g) any other matter which may be prescribed.

(2) The Authority shall have the powers to pass such interim order in any proceeding, hearing or matter before it as it may consider appropriate.

45 of 1860.

2 of 1974.

17H. All proceedings before the Authority shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code and the Authority shall be deemed to be a civil court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973.

Proceedings before Authority.

17-I. The applications relating to settlement of land acquisition compensation under this Act, shall be decided by the Authority as expeditiously as possible and endeavour shall be made by it to dispose of the disputes finally within a period of six months from the date of receipt of the reference under section 18.

Speedy disposal of disputes by Authority.

45 of 1860.

17J. The Members and officers of the Authority shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Members and officers of Authority to be public servants.

17K. No civil court shall have jurisdiction to entertain any dispute relating to land acquisition in respect of which the Collector or the Authority is empowered by or under this Act, and no injunction shall be granted by any court in respect of any such matter.

Jurisdiction of civil courts barred.

PART IIB

ESTABLISHMENT OF THE AUTHORITY FOR THE CENTRE

17L. (1) The Central Government may, for the purpose of providing speedy disposal of disputes relating to land acquisition compensation, by notification in the Official Gazette, establish one or more Authority to be known as the Land Acquisition Compensation Disputes Settlement Authority for the Centre to exercise jurisdiction, powers and authority conferred on it by or under this Act with regard to the acquisition of land by the Central Government.

Establishment of Land Acquisition Compensation Disputes Settlement Authority for the Centre.

(2) The Central Government shall specify in the notification referred to in subsection (1) the matters and places in relation to which the Authority for the Centre may exercise jurisdiction.

(3) The Authority for the Centre shall consist of a Chairperson and not less than two Members to be appointed by the Central Government.

(4) A person shall not be qualified to be a Member of the Authority for the Centre unless he,—

(i) is or has been a Judge of a High Court; or

(ii) has for at least fifteen years held any Legislative or Legal post of the Union and a post in the Grade II of the Indian Legal Service for at least three years; or

(iii) a person who is or has been a member of the Indian Administrative Service having sufficient knowledge of land acquisition and has held the post of Collector of a district and a post equivalent to a Joint Secretary in the Government of India:

Provided that no appointment of a sitting Judge under clause (i) shall be made except after consultation with the Chief Justice of the High Court concerned.

(5) The Authority for the Centre will have a Secretariat consisting a Secretary-General and such other staff as may be decided by the Central Government.

Application of certain provisions relating to Authority for compensation disputes settlement to Authority for the Centre.

17M. The provisions of sections 17B, 17C, 17D, 17E, 17F, 17G, 17H, 17-I, 17J and 17K shall apply to the Authority for the Centre and shall have effect, subject to the following modifications, namely:—

(a) references to “Authority” shall be construed as references to “Authority for the Centre”;

(b) references to “State Government” shall be construed as references to “Central Government”;

(c) for the reference “any Member” in sub-section (2) of section 17C, the reference “any Member except a sitting Judge of a High Court” shall be substituted.

Amendment of section 18.

18. In section 18 of the principal Act,—

(i) in sub-section (1), the following provisos shall be inserted, at the end, namely:—

“Provided that the Collector shall, within a period of fifteen days from the date of receipt of application, make a reference to the Authority for the Centre, or as the case may be, the Authority:

Provided further that where the Collector fails to make such reference within the period so specified, the applicant may apply to the Authority for the Centre, or as the case may be, the Authority, requesting it to direct the Collector to make the reference to it within a period of thirty days.”;

(ii) in sub-section (2), after the proviso, the following proviso shall be inserted, namely:—

“Provided further that the Collector may entertain an application after the expiry of the said period, within a further period of one year, if he is satisfied that there was sufficient cause for not filing it within the period specified in the first proviso.”.

Amendment of section 23

19. In section 23 of the principal Act,—

(i) in sub-section (1), in item “first”, after the words “market value of the land”, the words, figures and letter “in terms of section 11B” shall be inserted;

(ii) in sub-section (2), for the words “a sum of thirty per centum on such market-value”, the words “a sum of sixty per centum on such market-value” shall be substituted.

20. After section 28A of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 28A.

“28B. Where an award is pending or remains unsettled at any stage under the Act, prior to the coming into force of the Land Acquisition (Amendment) Act, 2007, then the amount of compensation payable to the entitled person may be determined on the basis of section 11B as inserted by the said Act.”

Determination of amount of compensation in pending or unsettled cases.

21. Part VII of the principal Act relating to “Acquisition of Land for Companies” and sections 38 to 44B (both inclusive) shall be omitted.

Omission of Part VII.

22. After section 54 of the principal Act, the following sections shall be inserted, namely:—

Insertion of new sections 54A and 54B.

“54A. (1) The land acquired under this Act shall not be transferred to any other purpose except for a public purpose, and after obtaining the prior approval of the appropriate Government.

Utilisation of land for the purpose it is acquired.

(2) When any land or part thereof, acquired under this Act remains unutilised for a period of five years from the date of taking over the possession, the same shall return to the appropriate Government by reversion.

54B. Whenever any land acquired under this Act is transferred to any person for a consideration, eighty per cent. of the difference in the acquisition cost and the consideration received, which in no case shall be less than the acquisition cost, shall be shared amongst the persons from whom the lands were acquired or their heirs, in proportion to the value at which the lands were acquired, and for the purpose, a separate fund may be maintained which shall be administered by the Collector in such manner as may be prescribed.”

Sharing with landowners the difference in price of a land when transferred for a higher consideration.

23. In section 55 of the principal Act, in sub-section (1),—

Amendment of section 55.

(i) the first proviso shall be omitted;

(ii) in the second proviso, for the words “Provided further that”, the words “Provided that” shall be substituted;

(iii) in the third proviso, for the words “Provided also”, the words “Provided further” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Land Acquisition Act, 1894 (the Act) has been an effective instrument for the acquisition of land for public purposes and also for companies, yet its provisions have been found to be inadequate in addressing certain issues related to the exercise of the statutory powers of the State for involuntary acquisition of private land and property.

2. Often, such acquisition of land leads to displacement of people, depriving them of their livelihood and shelter, restricting access to their traditional resource base, and uprooting them from their socio-cultural environment. These have traumatic, psychological and socio-cultural consequences for the affected population, which call for protecting their rights, including those of the weaker sections of society, particularly tribals, tenants, etc. Rehabilitation and resettlement of the persons and families affected by involuntary acquisition of private land and immovable property is of paramount importance. Thus, it is necessary to extend the provisions of the extant policies or statutes for rehabilitation and resettlement of those affected by the acquisition of land under the Act.

3. Also, the ambit of the expression "person interested" under the Act is proposed to be expanded so as to include tribals and other traditional forest dwellers, who have lost any traditional rights recognised under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognitions of Forest Rights) Act, 2006 (2 of 2007). Moreover, it is necessary to ensure that persons having tenancy rights under the relevant State laws are included under the scope of "person interested".

4. Although the Land Acquisition Act provides for acquisition of land for public purpose, the expression "public purpose" has not been defined. Hence, the necessity of defining "public purpose", so as to restrict the scope of land acquisition under the Act to provision of land for strategic purposes vital to the state, and for infrastructure projects where the benefits accrue to the general public is essential.

5. The provision of the Act are also used to acquire private lands for companies. This frequently raises a question mark on the desirability of such state intervention when land could be arranged by the company through private negotiations on a "willing seller-willing buyer" basis, which could be seen to be a more fair arrangement from the point of view of the land owner. In view of this it is desirable to omit the provisions for the acquisition of land for companies under the Act. However, under certain circumstances, it may be necessary to acquire some land through statutory mechanism to the extent of a limited portion of the total area of the land required when the "person" has already purchased the rest of the land through private negotiations and the purpose is useful to the general public. Such "person" may include any company or association or body of individuals, whether incorporated or not.

6. Further, it has been the experience that a large number of disputes relating to land acquisition compensation are brought before the courts of law. Quite often these cases remain pending for long periods of time in the courts. Such cases also add to the workload of the courts, which are generally over-burdened with cases other than land acquisition matters. Thus, it would be desirable that the jurisdiction of civil courts is barred for the purposes of the land acquisition compensation disputes and other alternate mechanisms created for disposal of such disputes in a time-bound manner.

7. Also, it is desirable to make the various steps of the land acquisition process time-bound, so that the entire process can be completed within a reasonable period of time. This will be in the interest of the land owners and farmers whose lands are acquired as well as the projects and requiring bodies.

8. Another area of concern in the application of the Act, so far, has been the requirement of providing a fair compensation at market value commensurate with the purpose for which

the acquired land would be used. Certain provisions need to be introduced accordingly in the Act. In addition, in view of the involuntary nature of the acquisition, adequate solatium amount should be offered to the land owners, and the amount may be higher in cases of acquisition under urgency.

9. Often it is seen that the possession of land acquired is not taken over in time, and also there are delays in the payment of the compensation amount. Therefore, it is necessary to make a provision to ensure that physical possession of the land is taken over and the amount of compensation is paid within a defined period from the date of the compensation award under the Act.

10. Issues around the utilisation of the land acquired and their transfer are also areas of concern. Here, provisions are proposed to be made so that the land acquired is not transferred to any other purpose except for a public purpose, and that too, not without prior approval of the appropriate Government. When any land or part thereof, acquired under the Act remains unutilised for a defined period from the date of taking over possession, the same will return to the appropriate Government. Further, whenever any land acquired under the Act is transferred to any person for a consideration, a part of the net unearned income so accruing to the transferor, will be shared amongst the persons from whom the lands were acquired or their heirs, in proportion to the value at which the lands were acquired.

11. Bringing in suitable amendments to the Land Acquisition Act, 1894 on these lines will go a long way in striking a balance between the need for land for development and other public purposes and protecting the interests of the persons whose lands are statutorily acquired.

12. The Bill seeks to achieve the above objectives.

NEW DELHI;
The 30th November, 2007

RAGHUVANSH PRASAD SINGH.

FINANCIAL MEMORANDUM

Clause 17 of the Bill proposes to insert a new section 17L in the Act under which it is proposed that the Central Government may, by notification, establish one or more Authority to be known as the Land Acquisition Compensation Disputes Settlement Authority for the Centre to exercise jurisdiction, powers and authority conferred on it by or under this Act with regard to the acquisition of land by the Central Government, for the purpose of providing speedy disposal of disputes relating to land acquisition compensation. The Authority for the Centre shall consist of a Chairperson and not less than two members to be appointed by the Central Government. It will have a Secretariat consisting of a Secretary-General and other staff as may be decided by the Central Government. The terms and conditions subject to which the Chairperson and other members of the Authority, will be appointed and the procedure of transaction of business of the Authority for the Centre shall be such as may be prescribed by the Central Government.

This will involve expenditure of a recurring as well as non-recurring nature, which would be a part of the administrative expenditure of the Ministry.

The exact expenditure which will be involved under the proposed Bill will depend upon the composition of the above-mentioned Authority, which will be decided after the Bill is passed. Hence, it is not practicable to make an exact estimate of the recurring and non-recurring expenditure for the purpose at this stage.

Notes On Clauses

Clause 2 and *3* seek to omit the words "and for companies" from the long title and the preamble.

Clause 4 seeks to insert new section 1A to provide for application of the provisions of the Rehabilitation and Resettlement Act, 2007 for land acquisition under this Act.

Clause 5 seeks to amend section 3 relating to definitions of certain expressions, insert definitions of new expressions, etc., as a consequence of the amendment to the Act.

Clause 6 seeks to amend the Act to omit the words "or for a Company" (wherever they occur in the Act) along with grammatical variations.

Clause 7 seeks to amend the Act to substitute the words "the Court" (along with grammatical variations), with the words "the Authority for the Centre, or as the case may be, the Authority".

Clause 8 seeks to insert new section 3A relating to mandatory social impact assessment prior to acquisition of land under the Act in cases of displacement of a certain number of families.

Clause 9 seeks to amend section 4 providing that no fresh notification to be issued for a period of one year in respect of the same land and no proceedings to be initiated for five years if the notification issued under sub-section (1) lapses for the second time. It also seeks to bar any person from making any transaction of land specified in the notice of acquisition till final declaration, etc.

Clause 10 seeks to amend sub-section (1) of section 6 so as not to make this sub-section "subject to the provision of Part VII of the Act". It also seeks to omit *Explanation 1* regarding computation of the period referred to in the first proviso.

Clause 11 seeks to insert new section 8A for the purpose of evaluation of damages during survey, measurement, etc.

Clause 12 seeks to substitute new section 11A to provide that the award shall be made within one year; for delay due to unavoidable circumstances and reasons to be recorded, the award to be made within an extended period of 6 months, and for such extended period additional compensation shall be paid.

Clause 13 seeks to insert new sections 11B and 11C. The proposed new section 11B provides the criteria for assessing and determining the market value, such as the minimum land value if any specified in the Stamp Act, average sale price of similar type of land or average sale price paid for already land purchased for the same project; the State Government may specify floor price per unit area, etc. The proposed new section 11C provides for part payment of compensation by shares, debentures, etc., where a company is authorised to issue shares.

Clause 14 seeks to amend section 12 casting upon the Collector a duty to keep open and display summary of the entire proceedings, such summary to include schedule of payment of compensation, date of taking possession, etc.; to ensure physical possession of the land and payment of compensation within 60 days from the date of award, etc.

Clause 15 seeks to amend section 15 to include therein reference to new section 11B.

Clause 16 seeks to amend section 17 as a consequence of new section 11B, for the purpose of additional compensation.

Clause 17 seeks to insert Part IIA and Part IIB. The proposed Part IIA relates to Establishment of the State Authority and contains the proposed new section 17A to

section 17K. These deal with establishment of the Land Acquisition Compensation Disputes Settlement Authority by the State, number of Members of the authority, qualifications of the Members; terms and conditions of service of the Members, removal of a Member, officers and employees of the Authority, proceedings of the Authority, filling of casual vacancies, powers of the Authority, speedy disposal of disputes, members and officers to be public servants; and barring of jurisdiction of civil courts.

The proposed Part IIB relates to establishment of Authority for the Centre, and contains section 17L and section 17M. These deal with Land Acquisition Compensation Disputes Settlement Authority by the Centre, constitution of the Authority, qualifications of the members, etc.; and application of the provisions of sections 17B to 17K (both inclusive) to the Authority for the Centre with necessary modifications to references to "Authority" and "State Government" to be read as "Authority for the Centre" and "Central Government" respectively, and reference to "any Member" in section 17C to be read as "any member except a sitting Judge of a High Court".

Clause 18 seeks to amend section 18 for the purpose of making reference to the Authority for the Centre by the Collector, etc.

Clause 19 seeks to amend section 23 as a consequence of new section 11B, etc.

Clause 20 seeks to insert new section 28B for determination of amount of compensation in cases which are pending or unsettled at any stage under the Act prior to the coming into force of this Act.

Clause 21 seeks to omit Part VII of the Act relating to Land Acquisition Act and sections 38 to 44B (both inclusive).

Clause 22 seeks to insert new sections 54A and 54B providing for utilisation of land for the purpose for which it is required; and sharing with land owners difference in price of land where the land is transferred for higher consideration.

Clause 23 seeks to omit the first proviso to sub-section (1) of section 55 of the Act.

25/12/2017

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill seeks to insert a new section 3A in the Land Acquisition Act, 1894 which relates to mandatory social impact assessment prior to acquisition of land under the said Act. The new section 3A seeks to empower the Central Government to prescribe, by rules, the manner and time in which social impact assessment study and other matters enumerated in the new section shall be carried out. Clause 13 seeks to insert new section 11C in the Land Acquisition Act, 1894 to provide for allotment of shares and debentures in such manner as may be prescribed. Clause 14 seeks to amend section 12 of the Act to provide for payment of compensation and other related matters by framing the rules.

2. Sub-section (3) of section 17B and sub-section (2) of section 17D, which has been proposed to be inserted by clause 17 of the Bill in the 1894 Act seeks to provide that the State Government may by rules prescribe the salaries and allowances payable to, and other terms and conditions of service of Members of the Authority and the officers and employees of the said Authority. In respect of the Authority for the Centre, similar rules can be framed by the Central Government under section 17M.

3. Clause 22 of the Bill seeks to insert a new section 54B in the 1894 Act which provides sharing with landowners the difference in price of a land when transferred for a higher consideration and provides for making rules for maintaining and administering the fund for the purposes of new section 54B.

4. As per the provisions contained in sub-section (1) of section 55 to the Land Acquisition Act, 1894, the rules made under the Act are required to be laid before Parliament or State Legislature, as the case may be.

The aforesaid matters in respect of which rules may be made relate to matters of procedure or administrative details and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 98 OF 2007

A Bill to provide for the rehabilitation and resettlement of persons affected by the acquisition of land for projects of public purpose or involuntary displacement due to any other reason, and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title,
extent and
commencement.

1. (1) This Act may be called the Rehabilitation and Resettlement Act, 2007.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different States and any reference in this Act to the commencement of this Act shall, in relation to a State, be construed as a reference to the coming into force of this Act in that State.

1 of 1894.

2. The provisions of this Act shall apply to the rehabilitation and resettlement of persons affected by acquisition of land under the Land Acquisition Act, 1894 or any other Act of the Union or a State for the time being in force; or involuntary displacement of people due to any other reason.

Act to apply to all cases of land acquisition or other involuntary displacement of people.

3. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Administrator for Rehabilitation and Resettlement" means an officer appointed for the purpose of rehabilitation and resettlement of affected persons under sub-section (1) of section 9;

(b) "affected family" means—

(i) a family whose primary place of residence or other property or source of livelihood is adversely affected by the acquisition of land for a project or involuntary displacement due to any other reason;

(ii) any tenure holder, tenant, lessee or owner of other property, who on account of acquisition of land (including plot in the *abadi* or other property) in the affected area or otherwise, has been involuntarily displaced from such land or other property;

(iii) any agricultural or non-agricultural labourer, landless person (not having homestead land, agricultural land, or either homestead or agricultural land), rural artisan, small trader or self-employed person; who has been residing or engaged in any trade, business, occupation or vocation continuously for a period of not less than five years in the affected area preceding the date of declaration of the affected area, and who has been deprived of earning his livelihood or alienated wholly or substantially from the main source of his trade, business, occupation or vocation because of the acquisition of land in the affected area or being involuntarily displaced for any other reason;

(c) "affected area" means area of village or locality notified by the appropriate Government under sub-section (1) of section 20;

(d) "agricultural labourer" means a person primarily resident in the affected area for a period of not less than five years immediately before the declaration of the affected area, who does not hold any land in the affected area but who earns his livelihood mainly by manual labour on agricultural land therein immediately before such declaration and who has been deprived of his livelihood;

(e) "agricultural land" means lands being used for the purpose of—

(i) agriculture or horticulture;

(ii) dairy farming, poultry farming, pisciculture, sericulture, breeding of livestock or nursery growing medicinal herbs;

(iii) raising of crops, grass or garden produce; and

(iv) land used by an agriculturist for the grazing of cattle, but does not include land used for cutting of wood only;

(f) "appropriate Government" means—

(i) in relation to acquisition of land for the purposes of the Union, the Central Government;

(ii) in relation to a project which is executed by a Central Government agency or undertaking or by any other agency on the orders or directions of the Central Government, the Central Government;

(iii) in relation to acquisition of land for purposes other than (i) and (ii) above, the State Government; and

(iv) in relation to rehabilitation of persons displaced due to any other reason, the State Government;

(g) "below poverty line or BPL Family" means below poverty line families as defined by the Planning Commission of India, from time to time, and those included in a BPL list for the time-being in force;

(h) "Commissioner for Rehabilitation and Resettlement" means the Commissioner for Rehabilitation and Resettlement appointed by the State Government under sub-section (1) of section 11;

(i) "DDP block" means a block identified under the Desert Development Programme of the Government of India;

(j) "family" includes a person, his or her spouse, minor sons, unmarried daughters, minor brothers, unmarried sisters, father, mother and other relatives residing with him or her and dependent on him or her for their livelihood; and includes "nuclear family" consisting of a person, his or her spouse and minor children;

(k) "holding" means the total land held by a person as an occupant or tenant or as both;

(l) "land acquisition" or "acquisition of land" means acquisition of land under the Land Acquisition Act, 1894, as amended from time to time, or any other Act of the Union or a State for the time being in force; 1 of 1894

(m) "marginal farmer" means a cultivator with an unirrigated land holding up to one hectare or irrigated land holding up to half hectare;

(n) "non-agricultural labourer" means a person who is not an agricultural labourer but is primarily residing in the affected area for a period of not less than five years immediately before the declaration of the affected area and who does not hold any land under the affected area but who earns his livelihood mainly by manual labour or as a rural artisan immediately before such declaration and who has been deprived of earning his livelihood mainly by manual labour or as such artisan in the affected area;

(o) "notification" means a notification published in the Gazette of India, or as the case may be, the Gazette of a State;

(p) "occupier" means a member of a Scheduled Tribes community in possession of forest land prior to the 13th day of December, 2005;

(q) "Ombudsman" means the person appointed under section 14 for redressal of grievances;

(r) "prescribed" means prescribed by rules made under this Act;

(s) "project" means a project involving involuntary displacement of people, irrespective of the number of persons affected;

(t) "requiring body" means a company, a body corporate, an institution, or any other organisation for whom land is to be acquired by the appropriate Government, and includes the appropriate Government, if the acquisition of land is for such Government either for its own use or for subsequent transfer of such land in public interest to a company, body corporate, an institution, or any other organisation, as the case may be, under lease, licence or through any other mode of transfer of land;

(u) "resettlement area" means an area so declared under section 25 by the appropriate Government;

(v) "small farmer" means a cultivator with an un-irrigated land holding up to two hectares or with an irrigated land holding up to one hectare, but more than the holding of a marginal farmer.

CHAPTER II

SOCIAL IMPACT ASSESSMENT OF PROJECTS

4. (1) Whenever, it is desired to undertake a new project or expansion of an existing project, which involves involuntary displacement of four hundred or more families *en masse* in plain areas, or two hundred or more families *en masse* in tribal or hilly areas, DDP blocks or areas mentioned in the Fifth Schedule or Sixth Schedule to the Constitution, the appropriate Government shall ensure that a social impact assessment study is carried out in the proposed affected areas in the manner as may be prescribed.

Social impact assessment study in certain cases.

(2) While undertaking a social impact assessment under sub-section (1), the appropriate Government shall, *inter alia*, take into consideration the impact that the project will have on public and community properties, assets and infrastructure; particularly, roads, public transport, drainage, sanitation, sources of drinking water, sources of water for cattle, community ponds, grazing land, plantations, public utilities, such as post offices, fair price shops, food storage godowns, electricity supply, health care facilities, schools and educational or training facilities, places of worship, land for traditional tribal institutions, burial and cremation grounds.

(3) The appropriate Government may specify that the ameliorative measures, which will need to be undertaken for addressing the said impact for a specific component, may not be less than what is provided under a scheme or programme, in operation in that area, of the Central Government or, as the case may be, the State Government.

5. (1) The social impact assessment report shall be submitted to the appropriate Government for its examination by an independent multi-disciplinary expert group, as may be notified by the appropriate Government.

Independent multi-disciplinary expert group to examine the social impact assessment report.

(2) The expert group shall consist of the following persons, namely:—

(a) two non-official social scientist and rehabilitation experts, to be nominated by the appropriate Government;

(b) the Secretary of the departments of the appropriate Government concerned with the welfare of the Scheduled Castes and the Scheduled Tribes or his nominee, *ex officio*; and

(c) a representative of the requiring body, to be nominated by the appropriate Government.

6. (1) Wherever it is required, as per the provisions of any law, rules and guidelines issued thereunder, to undertake environmental impact assessment, the social impact assessment study shall be carried out simultaneously with the environmental impact assessment study.

Concurrent social impact assessment study in cases requiring environmental impact assessment study.

(2) The public hearing undertaken in the project affected area for the environmental impact assessment shall also cover issues relating to social impact assessment.

(3) A copy of the social impact assessment report shall be made available to the Impact Assessment Agency authorised, in respect of environmental impact assessment by the Central Government in the Ministry of Environment and Forests, and a copy of the environmental impact assessment report shall be shared with the expert group notified under section 5.

7. (1) The social impact assessment clearance shall be granted in such manner and within such time as may be prescribed.

Social impact assessment clearance.

(2) The conditions laid down in the social impact assessment clearance shall be followed by all concerned, including the Administrator for Rehabilitation and Resettlement while preparing and implementing the rehabilitation and resettlement plan.

(3) The concealment of any factual data or submission of false or misleading data or reports, may lead to the social impact assessment clearance being rejected and clearance, if any granted on the basis of data which subsequently found to be false, may be revoked.

Exemption
from social
impact
assessment.

8. The projects involving emergency acquisition of minimum area of land by the Central Government in for the purpose of defence or national security shall be exempted from the provisions of this Chapter, subject to such institutional safeguards as may be prescribed for protecting the interests of the affected families.

CHAPTER III

AUTHORITIES FOR REHABILITATION AND RESETTLEMENT

Administrator
for
Rehabilitation
and
Resettlement.

9. (1) Where the appropriate Government is satisfied that there is likely to be involuntary displacement of large number of persons due to acquisition of land for any project or due to any other reason, and where there is likely to be displacement of—

(a) four hundred or more families *en masse* in plain areas; or

(b) two hundred or more families *en masse* in tribal or hilly areas, DDP blocks or areas mentioned in the Fifth Schedule or Sixth Schedule to the Constitution,

then, the State Government shall, by notification, appoint in respect of that project, an officer not below the rank of District Collector to be the Administrator for Rehabilitation and Resettlement:

Provided that if the appropriate Government in respect of such project is the Central Government, the appointment shall be made in consultation with the Central Government:

Provided further that in case of projects involving displacement of less than four hundred families *en masse* in plain areas, or less than two hundred families *en masse* in tribal or hilly areas, DDP blocks or areas mentioned in the Fifth Schedule or Sixth Schedule to the Constitution, the State Government may, by notification, appoint in respect of that project, an officer not below the rank of Deputy Collector or Sub-Divisional Officer to be the Administrator for Rehabilitation and Resettlement.

(2) The Administrator for Rehabilitation and Resettlement shall be assisted by such officers and employees as the State Government may decide.

Powers and
functions of
Administrator.

10. (1) Subject to the superintendence, directions and control of the appropriate Government and the Commissioner for Rehabilitation and Resettlement, the Administrator for Rehabilitation and Resettlement shall take all measures for the rehabilitation and resettlement of the affected families.

(2) The formulation, execution and monitoring of the rehabilitation and resettlement plan shall vest in the Administrator for Rehabilitation and Resettlement.

(3) Subject to any general or special order of the appropriate Government, the Administrator for Rehabilitation and Resettlement shall perform the following functions, namely:—

(i) minimise displacement of persons and to identify non-displacing or least displacing alternatives in consultation with the requiring body;

(ii) hold consultation with the affected persons while formulating a rehabilitation and resettlement scheme or plan;

(iii) ensure that the interests of the adversely affected persons of the Scheduled Tribes and weaker sections are protected while formulating the rehabilitation and resettlement scheme or plan;

(iv) prepare a scheme or plan of rehabilitation and resettlement as required under Chapter V;

(v) prepare a budget including estimated expenditure of various components of acquisition of land, rehabilitation and resettlement activities or programmes in consultation with representatives of the affected families and the requiring body;

(vi) arrange land for rehabilitation and resettlement of the affected families;

(vii) allot land and ensure providing of benefits to the affected families; and

(viii) perform such other functions as the appropriate Government may, from time to time, by order in writing, assign.

(4) The Administrator for Rehabilitation and Resettlement may, by order in writing, delegate such of the functions conferred on him by or under this Act to any officer not below the rank of *Tehsildar* or equivalent as he may consider appropriate for smooth implementation of the rehabilitation and resettlement scheme or plan.

(5) All officers and staff appointed by the State Government under this Chapter to assist the Administrator for Rehabilitation and Resettlement shall be subordinate to him.

11. (1) The State Government shall appoint an officer of the rank of Commissioner or Secretary of that Government for rehabilitation and resettlement of affected families under this Act, to be called the Commissioner for Rehabilitation and Resettlement.

Commissioner
for
Rehabilitation
and
Resettlement.

(2) The Commissioner shall be responsible for supervising the formulation of rehabilitation and resettlement schemes or plans and proper implementation of such schemes or plans.

12. (1) For each project which involves involuntary displacement of four hundred or more families *en masse* in plain areas, or two hundred or more families *en masse* in tribal or hilly areas, DDP blocks or areas mentioned in the the Fifth Schedule or Sixth Schedule to the Constitution, the appropriate Government shall constitute a Committee under the chairpersonship of the Administrator for Rehabilitation and Resettlement, to be called the Rehabilitation and Resettlement Committee, to monitor and review the progress of implementation of scheme or plan of rehabilitation and resettlement of the affected families, and to carry out post-implementation social audits.

Rehabilitation
and
Resettlement
Committee at
project level.

(2) The Rehabilitation and Resettlement Committee constituted under sub-section (1) shall include, apart from officers of the appropriate Government, the following members, namely:—

(i) a representative of women residing in the affected area;

(ii) a representative each of the Scheduled Castes and the Scheduled Tribes residing in the affected area;

(iii) a representative of a voluntary organisation working in the area;

(iv) a representative of a nationalised bank;

(v) the Land Acquisition Officer of the project;

(vi) the Chairpersons of the *panchayats* or municipalities located in the affected area, or their nominees;

(vii) the Member of Parliament and Member of the Legislative Assembly of the concerned area; and

(viii) a representative of the requiring body.

(3) The procedure regulating the business of the Rehabilitation and Resettlement Committee, its meetings and other matters connected thereto shall be such as may be prescribed.

Rehabilitation
and
Resettlement
Committee at
district level.

13. (1) The State Government shall in every district constitute a standing Rehabilitation and Resettlement Committee under the chairpersonship of the District Collector or, as the case may be, Deputy Commissioner of the district, to monitor and review the progress of rehabilitation and resettlement of the affected families in the district excluding those covered by the Rehabilitation and Resettlement Committee at the project level as specified in section 12.

(2) The composition, powers, functions and other matters relating to the functioning of the Rehabilitation and Resettlement Committee at the district level shall be such as may be prescribed by the State Government.

Ombudsman.

14. (1) The appropriate Government shall appoint, in such manner as may be prescribed, an ombudsman for time-bound disposal of the grievances arising out of the matters covered under this Act.

(2) Any affected person, if aggrieved, for not being offered the benefits admissible, may move a petition for redressal of his grievances to the ombudsman.

(3) The form and manner in which and the time within which petitions under subsection (2) may be made to the ombudsman and be disposed of in such manner as may be prescribed.

(4) The ombudsman shall have the power to consider and dispose of all petitions relating to resettlement and rehabilitation against the decision of the Administrator for Rehabilitation and Resettlement or Resettlement and Rehabilitation Committee and issue such directions to the requiring body, the Administrator for Rehabilitation and Resettlement, the District Collector or Deputy Commissioner of the districts, as he may deem proper for the redressal of such grievances.

Inter-State
projects

15. (1) In case a project covers an area in more than one State or Union territory where the project affected families are or had been residing, or proposed to be resettled, the Central Government shall, in consultation with the concerned States and Union territories, appoint the Administrator for Rehabilitation and Resettlement, the Commissioner for Rehabilitation and Resettlement, a common Rehabilitation and Resettlement Committee, and the Ombudsman for the purposes of this Act.

(2) The method of implementation of the schemes or plans for rehabilitation and resettlement shall be discussed by the State Governments and the Union territory Administrations, and a common scheme or plan agreed to by them shall be notified by the Administrator for Rehabilitation and Resettlement in the States or Union territories in accordance with the procedure laid down in this Act.

(3) If any difficulty arises in the implementation of the schemes or plans, the matter shall be referred to the Central Government for its decision.

National
Monitoring
Committee.

16. (1) The Central Government shall constitute a National Monitoring Committee for reviewing and monitoring the implementation of rehabilitation and resettlement schemes or plans under this Act.

(2) The Committee may, besides having representation of the concerned Ministries and Departments of the Central and State Governments, associate with it eminent experts from the relevant fields.

(3) The procedures to be followed by the Committee and the allowances payable to the experts shall be such as may be prescribed.

(4) The Central Government shall provide officers and other employees to the Committee necessary for its efficient functioning.

17. The States and Union territories shall provide all the relevant information on the matters covered under this Act, to the National Monitoring Committee in a regular and timely manner, and also as and when required.

Disclosure of
informaton.

18. (1) For every major project covered under this Act, there shall be an Oversight Committee for Rehabilitation and Resettlement in the Ministry or the Department of the appropriate Government.

Oversight
Committee.

(2) The composition, functions and procedures of the Committee referred to in sub-section (1) shall be such as may be prescribed.

19. (1) A National Rehabilitation Commission shall be set up by the Central Government with the power to supervise and exercise general oversight over rehabilitation and resettlement of the affected families covered under this Act.

National
Rehabilitation
Commission.

(2) The terms and conditions of appointment of the Chairperson and Members and the composition, powers and the procedure for transaction of business of the National Rehabilitation Commission shall be such as may be prescribed.

CHAPTER IV

SCHEMES OR PLANS FOR REHABILITATION AND RESETTLEMENT

20. (1) Where the appropriate Government is of the opinion that there is likely to be involuntary displacement of four hundred or more families *en masse* in plain areas, or two hundred or more families *en masse* in tribal or hilly areas, DDP blocks or areas mentioned in the Fifth Schedule or Sixth Schedule to the Constitution, due to acquisition of land for any project or due to any other reason, it shall, declare, by notification in the Official Gazette, area of villages or lands as an affected area.

Declaration of
affected areas.

(2) Every declaration made under sub-section (1) shall be published in at least three daily newspapers, two of which shall be in the local vernacular, having circulation in villages or areas which are likely to be affected, and also by affixing a copy of the notification on the notice board of the concerned gram panchayats or municipalities and other prominent place or places in the affected area as well as the resettlement area, or by any other method as may be prescribed in this regard by the appropriate Government.

21. (1) Upon publication of a declaration under sub-section (1) of section 20, the Administrator for Rehabilitation and Resettlement shall undertake a baseline survey and census for identification of the persons and families likely to be affected.

Survey and
census of
affected
families.

(2) Every survey under sub-section (1) shall contain the following village-wise information of the affected families, namely:—

(i) members of the family who are permanently residing, engaged in any trade, business, occupation or vocation in the affected areas;

(ii) families who are likely to lose, or have lost, their house, agricultural land, employment or are alienated wholly or substantially from the main source of their trade, business, occupation or vocation;

(iii) agricultural labourers and non-agricultural labourers;

(iv) families belonging to the Scheduled Caste or Scheduled Tribe categories;

(v) vulnerable persons such as the disabled, destitute, orphans, widows, unmarried girls, abandoned women, or persons above fifty years of age, who are not provided or cannot immediately be provided with alternative livelihood, and who are not otherwise covered as part of a family;

(vi) families that are landless (not having homestead land, agricultural land, or either homestead or agricultural land) and below poverty line, but residing continuously for a period of not less than five years in the affected area preceding the date of declaration of the affected area; and

(vii) the Scheduled Tribes families who are or were in possession of forest lands in the affected area prior to the 13th day of December, 2005.

(3) Every survey undertaken under sub-section (1) shall be completed within a period of ninety days from the date of declaration made under sub-section (1) of section 20.

(4) On completion of the survey under sub-section (3), or on expiry of a period of ninety days, whichever is earlier, the Administrator for Rehabilitation and Resettlement shall, by notification, publish a draft containing details of the findings of the survey conducted under sub-section (1), in such manner as may be prescribed, and invite objections and suggestions from all persons likely to be affected thereby.

(5) On the expiry of a period of thirty days from the date of publication of the draft containing details of survey and after considering the objections and suggestions received under sub-section (4), the Administrator for Rehabilitation and Resettlement shall submit his recommendations thereon along with the details of the survey to the appropriate Government.

(6) Within a period of forty-five days from the date of receipt of the details of the survey and recommendations of the Administrator for Rehabilitation and Resettlement, the appropriate Government shall publish the final details of survey in the Official Gazette.

Assessment of
land available
for
rehabilitation
and
resettlement

22. (1) The Administrator for Rehabilitation and Resettlement shall draw up a list of lands that may be available for rehabilitation and resettlement of the affected families.

(2) The list of lands drawn up under sub-section (1) shall consist of—

- (a) land available or acquired for the project and earmarked for the purpose;
- (b) Government wastelands and any other Government land available for allotment to the affected families;
- (c) lands that may be available for purchase or acquisition for the purposes of rehabilitation and resettlement scheme or plan; or
- (d) a combination of one or more of the above.

Draft schemes
or plans for
rehabilitation
and
resettlement.

23. (1) After completion of baseline survey and census of the affected families under section 21, and assessment of the requirement of land for resettlement under section 22, the Administrator for Rehabilitation and Resettlement shall prepare a draft scheme or plan for the rehabilitation and resettlement of the affected families after consultation with the representatives of the affected families including women and the representative of the requiring body.

(2) The draft rehabilitation and resettlement scheme or plan shall be made known locally by wide publicity in the affected area and the resettlement area in such manner as may be prescribed by the appropriate Government which shall also be discussed in the concerned gram sabhas and in public hearings in urban and rural areas where gram sabhas do not exist:

Provided that the consultation with the Gram Sabha or the Panchayats at the appropriate level in Scheduled Areas under the Vth Schedule shall be in accordance with the provisions of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996:

40 of 1996.

Provided further that, in cases of involuntary displacement of two hundred or more Scheduled Tribes families from the Scheduled Areas, the concerned Tribes Advisory Councils shall also be consulted.

(3) The draft rehabilitation and resettlement scheme or plan shall contain the following particulars, namely:—

- (a) the extent of land to be acquired for the project or lost otherwise and the names of the affected villages;
- (b) a village-wise list of the affected persons, family-wise, the extent and nature of land and immovable property owned or held in their possession in the affected area, and the extent and nature of such land and immovable property which they are likely to lose or have lost, indicating the survey numbers thereof;

(c) a list of agricultural labourers in such area and the names of such persons whose livelihood depends on agricultural activities;

(d) a list of persons who have lost or are likely to lose their employment or livelihood or who have been or likely to be alienated wholly or substantially from their main sources of trade, business, occupation or vocation consequent to the acquisition of land for the project or involuntary displacement due to any other cause;

(e) a list of non-agricultural labourers, including artisans in such area;

(f) a list of affected landless families, including those without homestead land and below poverty line families;

(g) a list of vulnerable affected persons, as specified in clause (v) of sub-section (2) of section 21;

(h) a list of occupiers, if any;

(i) a list of public utilities and government buildings which are affected or likely to be affected;

(j) details of public and community properties, assets and infrastructure;

(k) a list of benefits and packages which are to be provided to the affected families;

(l) details of the extent of land available in the resettlement area for resettling and for allotment of land to the affected families;

(m) details of the amenities and infrastructural facilities which are to be provided for resettlement;

(n) the time schedule for shifting and resettling the displaced families in the resettlement area; and

(o) such other particulars as the Administrator for Rehabilitation and Resettlement may consider necessary.

(4) While preparing a draft scheme or plan in case of a project involving land acquisition on behalf of a requiring body, the Administrator for Rehabilitation and Resettlement shall ensure that the entire estimated cost of rehabilitation and resettlement scheme or plan is included in the cost of the project for which the land is being acquired on behalf of the requiring body; and the entire expenditure of rehabilitation and resettlement benefits including the expenditure incurred on rehabilitation and resettlement of the affected families are borne by the requiring body.

(5) The Administrator for Rehabilitation and Resettlement shall communicate to the requiring body for incorporation in the project cost, the entire cost of rehabilitation and resettlement benefits and other expenditure for rehabilitation and resettlement of the affected families.

24. (1) The Administrator for Rehabilitation and Resettlement shall submit the draft scheme or plan for rehabilitation and resettlement to the appropriate Government for its approval.

Final
publication of
schemes and
plans.

(2) In case of a project involving land acquisition on behalf of a requiring body, it shall be the responsibility of the appropriate Government to obtain the consent of the requiring body, to ensure that the necessary approvals as required under this Act have been obtained, and to make sure that the requiring body has agreed to bear the entire cost of rehabilitation and resettlement benefits and other expenditure for rehabilitation and resettlement of the affected families as communicated by the Administrator for Rehabilitation and Resettlement, before approving it.

(3) The approved scheme or plan for rehabilitation and resettlement shall be published in the Official Gazette by the appropriate Government.

(4) On the final publication of notification of the rehabilitation and resettlement scheme or plan, it shall come into force.

CHAPTER V

REHABILITATION AND RESETTLEMENT OF AFFECTED FAMILIES

Declaration of
resettlement
areas

25. The appropriate Government may, by notification, declare any area or areas as a resettlement area or areas for the purposes of rehabilitation and resettlement of the affected families.

Affected
families to be
settled in
group

26. (1) The affected families may, wherever possible, be settled in a group or groups.

(2) In case the entire population of the village or area to be shifted belongs to a particular community, such population or the families may, wherever possible, be resettled *en masse* in the resettlement area.

(3) In the case of resettlement of the Scheduled Castes affected families, such families may, wherever possible, be resettled in the areas close to the villages.

Purchase or
exchange of
land for
rehabilitation
and
resettlement.

27. The Administrator for Rehabilitation and Resettlement may, on behalf of the appropriate Government, and subject to such rules as may be prescribed, enter into an agreement with any person for the purchase or exchange of any land required for the purposes of the rehabilitation and resettlement scheme or plan.

Funds for
rehabilitation
and
resettlement.

28. (1) In case of a project involving land acquisition on behalf of a requiring body, it shall be the responsibility of the requiring body to provide requisite funds to the administrator for Rehabilitation and Resettlement for proper implementation of the rehabilitation and resettlement scheme or plan for the affected families.

(2) In case of a project involving land acquisition on behalf of a requiring body, as soon as the rehabilitation and resettlement scheme or plan is finalised, the requiring body shall deposit one-third cost of the rehabilitation and resettlement scheme or plan with the Administrator for Rehabilitation and Resettlement.

(3) The Administrator for Rehabilitation and Resettlement shall keep proper books of accounts and maintain records of the funds placed at his disposal, in such manner as may be prescribed, and submit periodical returns to the appropriate Government in this behalf.

Compensation
and
rehabilitation
and
resettlement
ahead of
displacement.

29. In case of a project involving land acquisition on behalf of a requiring body, the compensation award, full payment of compensation, and adequate progress in rehabilitation and resettlement shall precede the actual displacement of the affected families.

Infrastructural
facilities and
amenities in
resettlement
areas.

30. (1) In case of involuntary displacement of four hundred families or more *en masse* in plain areas, or two hundred families or more *en masse* in tribal or hilly areas, DDP blocks or areas mentioned in the Fifth Schedule or Sixth Schedule to the Constitution, comprehensive infrastructural facilities and amenities notified by the appropriate Government shall be provided in the resettlement area.

(2) If relocation takes place in an existing settlement area, the same infrastructure shall also be extended to the host community.

(3) In case of involuntary displacement of less than four hundred families *en masse* in plain areas, or less than two hundred families *en masse* in tribal or hilly areas, DDP blocks or areas mentioned in the Fifth Schedule or Sixth Schedule to the Constitution, all affected families shall be provided basic infrastructural facilities and amenities at the resettlement area as per the norms specified by the appropriate Government.

Local self-
government
institutions in
resettlement
areas.

31. The appropriate Government shall ensure that the resettlement area forms part of a panchayat or a municipality.

1 of 1894.

32. If land is acquired in cases of urgency, under the Land Acquisition Act, 1894, as amended from time to time, or any other Act of the Union or a State for the time being in force, each affected family shall be provided with transit and temporary accommodation, pending rehabilitation and resettlement scheme or plan, in addition to the payment of monthly subsistence allowance and other rehabilitation and resettlement benefits due to them under this Act.

Special provisions for rehabilitation and resettlement in case of urgency.

33. In case of a project involving land acquisition on behalf of a requiring body—

Periphery development.

(i) the requiring body shall contribute to the socio-economic development of such geographic area on the periphery of the project site as may be defined by the appropriate;

(ii) the requiring body shall earmark a percentage of its net profit or, in case no profit is declared by the requiring body in a particular year, for that year, such minimum alternative amount as may be determined by the appropriate Government after consultation with the requiring body, to be spent for the purpose and within the area referred to in sub-section (i); and

(iii) the requiring body shall coordinate with the Commissioner for Rehabilitation and Resettlement while carrying out the developmental activity under this section.

CHAPTER VI

REHABILITATION AND RESETTLEMENT BENEFITS FOR THE AFFECTED FAMILIES

34. The rehabilitation and resettlement benefits shall be extended to the affected families who are eligible as affected families on the date of publication of the declaration under sub-section (1) of section 20, and any division of assets in the family after the said date shall not be taken into account.

Rehabilitation and resettlement benefits available to eligible affected families.
Housing benefits.

35. (1) Any affected family owning house and whose house has been acquired or lost, shall be allotted land for house, without requiring him to pay the price for such land, to the extent of two hundred and fifty square metre of land in rural areas or, as the case may be, one hundred and fifty square metre of land in urban areas to each family within the affected family, subject to the actual area acquired or lost:

Provided that, in urban areas, a house of up to one hundred square metre carpet area may be provided in lieu thereof.

(2) Each below poverty line affected family which is without homestead land and which has been residing in the affected area continuously for a period of not less than five years preceding the date of declaration of the affected area and which has been involuntarily displaced from such area, shall be provided with a house having at least fifty square metre carpet area in rural areas or, as the case may be, twenty-five square metre carpet area in urban areas, in the resettlement area:

Provided that any such family which opts not to take the house offered, shall get a one-time financial assistance for house construction, and the amount shall not be less than what is given under any programme of house construction by the Government of India.

Explanation.—The houses in urban areas may, if necessary, be provided in multi-storied building complexes.

36. (1) Each affected family owning agricultural land in the affected area and whose entire land has been acquired or lost, or who has, as a land consequence of the acquisition or loss of land, been reduced to the status of a marginal farmer, shall be allotted, in the name of each person included in the records of rights with regard to the affected family, agricultural land or cultivable wasteland to the extent of actual land loss by the affected family subject to a ceiling of one hectare of irrigated land or two hectares of un-irrigated land or cultivable wasteland, if Government land is available in the resettlement area.

Allotment of agricultural land.

(2) In the case of irrigation or hydel projects, the affected families shall be given preference in allotment of land-for-land in the command area of the project:

Provided that such lands may be consolidated and plots of suitable sizes allotted to the affected families, who could be settled there in groups:

Provided further that, in case an affected family cannot be given land in the command area of the project or the family opts not to take land there, such a family may be given monetary compensation on replacement cost basis for the lands lost, for purchase of suitable land elsewhere.

(3) In case of allotment of agricultural land in lieu of the acquired land, each person whose name is included in the records of rights with regard to the affected family shall be given a one-time financial assistance of such amount as may be prescribed by the appropriate Government subject to a minimum of ten thousand rupees.

(4) In case of allotment of wasteland in lieu of the acquired land, each person whose name is included in the records of rights with regard to the affected family shall be given a one-time financial assistance of such amount as may be prescribed by the appropriate Government subject to a minimum of fifteen thousand rupees per hectare of land allotted.

Registration,
etc., of land
or other
property
allotted

37. (1) In case of a project involving land acquisition on behalf of a requiring body, the stamp duty and other fees payable for registration of the land or house allotted to the affected families shall be borne by the requiring body.

(2) The land or house allotted to the affected families shall be free from all encumbrances.

(3) The land or house allotted may be in the joint names of wife and husband of the affected family.

Financial
assistance for
cattle shed

38. Each displaced affected family having cattle shall get one-time financial assistance of such amount as the appropriate Government may prescribe subject to a minimum of fifteen thousand rupees for construction of cattle shed.

Transportation
cost.

39. Each affected family which is displaced shall get one-time financial assistance of such amount as the appropriate Government may prescribe subject to a minimum of ten thousand rupees as transportation cost for shifting of the family, building materials, belongings and cattle.

Financial
assistance for
working shed
or shop.

40. Each affected person who is a rural artisan, small trader or self-employed person and who has been displaced shall get one-time financial assistance of such amount as the appropriate Government may prescribe subject to a minimum of twenty-five thousand rupees for construction of working shed or shop.

Employment
and skill
development

41. In case of a project involving land acquisition on behalf of a requiring body —

(i) the requiring body shall give preference to the affected families in providing employment in the project, at least one person per family, subject to the availability of vacancies and suitability of the affected person for the employment;

(ii) wherever necessary, the requiring body shall arrange for training of the affected persons, so as to enable such persons to take on suitable jobs;

(iii) the requiring body shall give preference to the affected persons or their groups or cooperatives in the allotment of outsourced contracts, shops or other economic opportunities coming up in or around the project site;

(iv) the requiring body shall give preference to willing landless labourers and unemployed affected persons while engaging labour in the project during the construction phase;

(v) the requiring body shall offer the affected persons the necessary training facilities for development of entrepreneurship, technical and professional skills for self-employment;

(vi) the requiring body shall offer scholarships and other skill development opportunities to eligible persons from the affected families, as per such criteria as may be fixed by the appropriate Government.

42. In case of a project involving land acquisition on behalf of a requiring body, the affected families which have not been provided agricultural land or employment shall be entitled to a rehabilitation grant equivalent to seven hundred and fifty days minimum agricultural wages:

Rehabilitation grant and option for allotment of shares.

Provided that if the requiring body is a company authorised to issue shares and debentures, then, it shall give an option to the affected families of taking up to fifty per cent., but in any case not less than twenty per cent., of their rehabilitation grant amount in the form of shares or debentures, in such manner as may be prescribed.

43. In cases involving land acquisition for land development projects, in lieu of land-for-land or employment, the affected families shall be given developed land or built-up space within the development project, in proportion to the land acquired, but subject to limits as may be prescribed.

Land development projects.

44. In cases of irrigation or hydel projects, the affected families may be allowed fishing rights in the reservoirs, in such manner as may be prescribed by the appropriate Government.

Fishing rights.

45. In case of a project involving land acquisition on behalf of a requiring body, each affected family which is involuntarily displaced shall get a monthly subsistence allowance equivalent to twenty-five days minimum agricultural wages per month for a period of one year from the date of displacement.

Subsistence allowance.

46. The project authorities shall, at their cost, arrange for annuity policies that will pay a pension for life to the vulnerable affected persons as specified in clause (v) of sub-section (2) of section 21, of such amount as may be prescribed by the appropriate Government subject to a minimum of five hundred rupees per month.

Monthly pension to vulnerable affected persons.

47. In case of linear acquisitions, in projects relating to railway lines, highways, transmission lines, laying of pipelines and such other projects wherein only a narrow stretch of land is acquired for the purpose of the project or is utilised for right of way, each person whose name is included in the records of rights with regard to the affected family shall be offered by the requiring body an *ex gratia* grant of such amount as may be prescribed by the appropriate Government subject to a minimum of twenty thousand rupees, in addition to the compensation and any other benefits due under the Act or programme or scheme under which the land, house or other property is acquired:

Linear projects.

Provided that, if as a result of such land acquisition, the land-holder becomes landless or is reduced to the status of a small or marginal farmer, other rehabilitation and resettlement benefits available under this Act shall also be extended to such affected family.

48. The affected families shall have the option to take a lump-sum amount, in lieu of one or more of the benefits specified in sections 35 to 47 (both inclusive), as may be determined by the appropriate Government in consultation with the requiring body.

Option for a lump-sum payment in lieu of benefits.

49. (1) In case of a project involving land acquisition on behalf of a requiring body which involves involuntary displacement of two hundred or more Scheduled Tribes families, a Tribal Development Plan shall be prepared, in such form as may be prescribed, laying down the details of procedure for settling land rights due but not settled and restoring titles of tribals on alienated land by undertaking a special drive together with land acquisition.

Special provisions for rehabilitation and resettlement of members of the Scheduled Tribes and the Scheduled Castes.

(2) The Tribal Development Plan shall also contain a programme for development of alternate fuel, fodder and non-timber forest produce resources on non-forest lands within a period of five years sufficient to meet the requirements of tribal communities who are denied access to forests.

10/11/63 KKH

(3) The concerned Gram Sabhas or the Panchayats at the appropriate level in the Scheduled Areas under the Fifth Schedule or, as the case may be, Councils in the Sixth Schedule Areas shall be consulted in all cases of land acquisition in such areas, including acquisition under the urgency clause, before issue of a notification under the Land Acquisition Act, 1894, as amended from time to time, or any other Act of the Union or a State for the time being in force as per the Provision of the Panchayats (Extension to the Scheduled Areas) Act, 1996 and other relevant laws.

1 of 1894.

40 of 1996.

(4) Each affected family of Scheduled Tribe followed by Scheduled Caste categories shall be given preference in allotment of land-for-land, if Government land is available in the resettlement area.

(5) In case of land being acquired from members of the Scheduled Tribes, at least one-third of the compensation amount due shall be paid to the affected families at the outset as first instalment and the rest at the time of taking over the possession of the land.

(6) In case of a project involving land acquisition on behalf of a requiring body, each Scheduled Tribes affected family shall get an additional one-time financial assistance equivalent to five hundred days minimum agricultural wages for loss of customary rights or usages of forest produce.

(7) The Scheduled Tribes affected families shall be resettled preferably in the same Schedule Area in a compact block, so that they can retain their ethnic, linguistic and cultural identity.

(8) The resettlement areas predominantly inhabited by the Scheduled Tribes shall get land, to such extent as may be decided by the appropriate Government, free of cost for community and social gatherings.

(9) In case of a project involving land acquisition on behalf of a requiring body, the Scheduled Tribes affected families resettled out of the district will get twenty-five per cent. higher rehabilitation and resettlement benefits in monetary terms in respect of the benefits specified in sub-sections (3) and (4) of section 36, sections 38, 39 and 40.

(10) Any alienation of tribal lands in disregard of the laws and regulations for the time being in force shall be treated as null and void; and in the case of acquisition of such lands, the rehabilitation and resettlement benefits shall be available to the original tribal land-owners.

(11) The affected Scheduled Tribes, other traditional forest dwellers and the Scheduled Castes families having fishing rights in a river or pond or dam in the affected area shall be given fishing rights in the reservoir area of the irrigation or hydel projects.

(12) All benefits available to the affected families in the affected areas, shall continue in the resettlement area.

Benefits to
occupiers

50. The affected Scheduled Tribes families, who were in possession of forest lands in the affected area prior to the 13th day of December, 2005, shall be eligible for the benefits of rehabilitation and resettlement under this Act.

CHAPTER VII

MISCELLANEOUS

51. The rehabilitation grant and other benefits expressed in monetary terms in this Act shall be indexed to the Consumer Price Index with reference to the date to be notified, and the same shall also be revised by the appropriate Government from time to time.

Indexation of rehabilitation grant and other monetary benefits.

52. If a person, in connection with a requirement or direction under this Act, provides any information or produces any document that the person knows is false or misleading, he shall be liable to be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five lakh rupees, or with both.

Punishment for false information.

53. The officers of the Central Government, State Governments or Union Territory Administrations and the officers or staff of the local bodies or other statutory authorities shall assist the Administrator for Rehabilitation and Resettlement or any other officer duly authorised under this Act, as and when required, for carrying out the purposes of this Act.

Duty to assist Administrator for Rehabilitation and Resettlement.

54. No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the Administrator for Rehabilitation and Resettlement, the Commissioner for Rehabilitation and Resettlement, or the Ombudsman is empowered by or under this Act to determine, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

Bar of jurisdiction of civil courts.

55. The Administrator for Rehabilitation and Resettlement, the Commissioner for Rehabilitation and Resettlement and the Ombudsman, appointed under this Act shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.

Officers to be public servants.

45 of 1850.

56. No suit, prosecution or other legal proceedings shall lie against the appropriate Government, local body or authority or any officer of the appropriate Government or local body or authority acting under this Act for anything which is in good faith done or purported to be done under this Act or the rules, scheme or plan made thereunder.

Indemnity for acts done in good faith.

57. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force [except the Provision of the Panchayats (Extension to the Scheduled Areas) Act, 1996] or in any instrument having effect by virtue of any law other than this Act.

40 of 1996.

Overriding effects of Act over all land related laws.

58. (1) The appropriate Government may, after previous publication, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the manner in which social impact assessment study is to be carried out under sub-section (1) of section 4;

(b) the manner of granting social impact assessment clearance under sub-section (1) of section 7;

(c) emergency acquisition of land for the purpose of defence or national security, and its institutional safeguards under section 8;

(d) rules of procedure regulating the business of the Rehabilitation and Resettlement Committee under sub-section (3) of section 12; and composition, powers and functions relating to the Rehabilitation and Resettlement Committee under sub-section (2) of section 13;

(e) the manner of appointment of ombudsman, form and manner in which complaints may be made to, and disposed of by the ombudsman under sub-sections (1) and (3) of section 14;

(f) procedures to be followed by the National Monitoring Committee under sub-section (3) of section 16; and composition powers and procedure of transaction of business of the National Rehabilitation Commission under sub-section (2) of section 19;

(g) the method of notifying affected areas under sub-section (2) of section 20;

(h) the manner in which the Administrator for Rehabilitation and Resettlement shall publish a draft details of findings of the survey conducted under sub-section (4) of section 21; and the manner of giving publicity to draft rehabilitation and resettlement scheme or plan under sub-section (2) of section 23;

(i) the method of entering into an agreement with any persons under rehabilitation and resettlement scheme or plan under section 27;

(j) the manner of keeping books of accounts and records of the funds for rehabilitation and resettlement by the Administrator under sub-section (3) of section 28;

(k) specify assistant to affected family under sub-section (3) and (4) of section 36;

(l) rules for giving financial assistance to construct cattle shed under section 38; transportation cost for shifting of the family under section 39; construction of working shed for shop under section 40 and the manner in which rehabilitation grant shall be provided under section 42;

(m) the manner of providing fishing rights of the reservoirs to the affected families under section 44;

(n) the amount of pension payable to vulnerable persons under section 46; and the determination of *ex gratia* amount under section 47, the necessary forms for the purposes specified in section 49; and

(o) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be, or may be, made by the rules.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(4) Every rule made by a State Government under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses or where such State legislature consists of one House, before that House.

Savings.

59. Notwithstanding anything contained in this Act, a scheme or plan for rehabilitation or resettlement of affected persons or families formulated by the requiring body, may provide for benefits higher than the extent and the amount of benefit laid down under this Act.

Power to
remove
difficulties.

60. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary, for removing the difficulty:

Provided that no order shall be made under this section after the expiry of period of three years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

STATEMENT OF OBJECTS AND REASONS.

Provision of public facilities or infrastructure often requires the exercise of powers by the State for acquisition of private property leading to displacement of people, depriving them of their land, livelihood and shelter, restricting their access to traditional resource base and uprooting them from their socio-cultural environment. These have traumatic, psychological and socio-cultural consequences on the affected population which call for protecting their rights, in particular of the weaker sections of the society including members of the Scheduled Castes, the Scheduled Tribes, marginal farmers and their families.

2. There is an imperative need to recognise rehabilitation and resettlement issues as intrinsic to the development process formulated with the active participation of affected persons and families. Additional benefits beyond monetary compensation have to be provided to families affected adversely by involuntary displacement. The plight of those who do not have rights over the land on which they are critically dependent for their subsistence is even worse. This calls for a broader concerted effort on the part of the planners to include in the displacement, rehabilitation and resettlement process framework, not only those who directly lose land and other assets but also all those who are affected by such acquisition of assets. The displacement process often poses problems that make it difficult for the affected persons to continue their old livelihood activities after resettlement. This requires a careful assessment of the economic disadvantages and the social impact of displacement. There must also be a holistic effort aimed at improving the all-round living standards of the affected people and families.

3. A National Policy on Resettlement and Rehabilitation for Project Affected Families was formulated in 2003, which came into force with effect from February, 2004. Experience gained in implementation of this policy indicates that there are many issues addressed by the policy which need to be reviewed. There should be a clear perception, through a careful quantification of the costs and benefits that will accrue to society at large, of the desirability and justifiability of each project. The adverse impact on affected families—economic, environmental, social and cultural—must be assessed in a participatory and transparent manner. A national rehabilitation and resettlement framework thus needs to apply to all projects where involuntary displacement takes place.

4. The aim is to minimise large-scale displacement, as far as possible. However, where large numbers of families are affected, it must be mandatory to do social impact assessments and provide all required infrastructural facilities and amenities in the resettlement area. More particularly, where the Scheduled Tribes people are being displaced in sizeable numbers, a well thought out Tribal Development Plan must be put in place. Furthermore, such a policy must specify clear timeframes within which the implementation of the rehabilitation package as well as utilisation of the land shall be accomplished. Also, it should lay down an effective monitoring and grievance redressal mechanism.

5. The National Rehabilitation and Resettlement Policy, 2007 has been formulated on these lines to replace the National Policy on Resettlement and Rehabilitation for Project Affected Families, 2003. The new policy has been notified in the Official Gazette and has become operative with effect from the 31st October, 2007. Since the inception of the Land Acquisition Act, 1894 for the first time a legislation namely, the Rehabilitation and Resettlement Bill, 2007 has been developed on the lines of the provisions of the new policy, so as to give a statutory backing to them and provide for Social Impact Assessment, making of scheme and plans well defined Rehabilitation and Resettlement benefits for the affected families.

6. Many State Governments have their own rehabilitation and resettlement policies. Many Public Sector Undertakings or agencies also have their own policies in this regard. The Rehabilitation and Resettlement Bill, 2007 provides for the basic minimum requirements that all projects leading to involuntary displacement must address. The Bill contains a saving clause to enable the State Governments, Public Sector Undertakings or agencies, or other

requiring bodies to continue to provide or put in place greater benefit levels than those prescribed under the Bill.

The Rehabilitation and Resettlement Bill, 2007 will be primarily applicable to the rehabilitation and resettlement of persons adversely affected by the acquisition of lands for projects. However, involuntary displacement of people may be caused by other factors also, and the provisions of the Bill may apply to the rehabilitation and resettlement of persons involuntarily displaced permanently due to any reason.

8. In brief, the Rehabilitation and Resettlement Bill, 2007 will provide for the basic minimum that all projects leading to involuntary displacement must address the grievances of the affected persons. A social impact assessment of proposals leading to displacement of large populations through a participatory, informed and transparent process involving all stake-holders, including the affected persons will be necessary before these are acted upon. The rehabilitation process would augment income levels and enrich quality of life of the displaced persons, covering rebuilding socio-cultural relationships, capacity building and provision of public health and community services. Adequate safeguards have been proposed for protecting rights of vulnerable sections of the displaced persons.

9. The Bill seek to achieve the above objectives.

NEW DELHI;
The 30th November, 2007

RAGHUVANSH PRASAD SINGH.

Notes on Clauses

Clause 4.—seeks to provide for social impact assessment study in certain cases in the proposed affected areas taking into consideration the impact that the project will have on public and community properties etc., and specify the ameliorative measures.

Clause 5.—seeks to provide submission of the SIA Report by an independent multi-disciplinary expert group for examination by the appropriate Government; it also seeks to provide for constitution of the expert group.

Clause 6.—seeks to provide for concurrent SIA Studies with Environmental Impact Assessment Study.

Clause 7.—seeks to provide for the manner of SIA clearance and conditions laid down in SIA clearance to be followed by all concerned, etc.

Clause 8.—seeks to exempt, from the provisions of Chapter-II, projects involving emergency acquisition in for the purpose of defence or national security.

Clause 9.—seeks to provide for appointment of Administrator for Rehabilitation and Resettlement by the State Government.

Clause 10.—seeks to provide for the functions of administrator in relation to rehabilitation and resettlement, formulation and execution and monitoring of rehabilitation and resettlement plan, etc.

Clause 11.—seeks to provide for appointment of a Commissioner for Rehabilitation and Resettlement for supervising the formulation of rehabilitation and resettlement schemes/plans and implementation thereof.

Clause 12.—seeks to provide for constitution of Rehabilitation and Resettlement Committee for each project involving involuntary displacement of certain No. of families in plain/tribal or hilly areas, etc.

Clause 13.—seeks to provide for constitution of a Standing Rehabilitation and Resettlement Committee under the Chairmanship of District Collector/Dy. Commissioner.

Clause 14.—provides for appointment by the appropriate Government of an ombudsman for time bound disposal of grievances, etc.

Clause 15.—seeks to provide for appointment by the Central Government of Administrator for Rehabilitation and Resettlement, Commissioner for Rehabilitation and Resettlement, a Common Rehabilitation and Resettlement Committee, and the ombudsman, in a case where the project covers an area in more than one State or Union Territory; method of implementation of the schemes/plans to be discussed by the State Governments and Union Territory Administrations and a common scheme/plan to be agreed upon; and in case of any difficulty, the matter to be referred to the Central Government for decision.

Clause 16.—seeks to provide for constitution by the Central Government of a National Monitoring Committee for reviewing and monitoring the implementation of schemes or plans under the Bill.

Clause 17.—seeks to provide that the States and Union Territories shall provide relevant information on matters covered under the Bill to the National Monitoring Committee on a regular basis and also as and when required.

Clause 18.—provides for an Oversight Committee for Rehabilitation and Resettlement in the Ministry or Department of the appropriate Government, with the compositions, functions and procedures to be prescribed.

Clause 19.—seeks to provide for setting up of National Rehabilitation Commission by the Central Government to exercise external oversight over rehabilitation and resettlement of affect persons; the composition, powers and procedure of transaction of business to be prescribed.

Clause 20.—seeks to provide for declaration of the area of village or lands as affected areas in cases where involuntary displacement of more than certain number of families in plain areas or tribal or hilly areas, DDP blocks or areas mentioned in the Fifth Schedule or Sixth Schedule to the Constitution are to be acquired for any project; such declaration to be published in newspapers, etc.

Clause 21.—seeks to provide for undertaking, after declaration under clause 20, a baseline survey and census for identification of families, etc. by the Administrator for Rehabilitation and Resettlement; provides for village-wise information of affected families in the survey; completion of the survey within 90 days from the date of declaration, publication of draft of the details of findings/survey by the Administrator for Rehabilitation and Resettlement in the prescribed manner, inviting objections and suggestions; the Administrator for Rehabilitation and Resettlement to submit his recommendations along with details of survey after considering the objections, etc. to the appropriate Government; and the appropriate Government to publish the final details of the survey within 45 days of the receipt of the details of survey and recommendations.

Clause 22.—seeks to provide that the Administrator for Rehabilitation and Resettlement to draw up the list that may be available for rehabilitation and resettlement etc., the list to include land available or acquired, Government wastelands, lands that may be available for purchase or acquisition, etc.

Clause 23.—seeks to provide that the Administrator for Rehabilitation and Resettlement shall prepare, after completion of survey or census and assessment of requirement of land, draft scheme of plan for rehabilitation of affected families, draft to be given wide publicity, to be discussed in the concerned Gram Sabhas and public hearings, etc.; the draft rehabilitation and resettlement scheme/plan to contain the extent of land to be acquired, village-wise list of affected persons etc., list of agricultural labourers, list of persons who have lost or are likely to lose employment, list of non-agricultural labourers, list of affected landless families, list of vulnerable affected persons, list of occupiers, list of public utilities and Government buildings, details of public community properties, details of extent of land available in the resettlement area, amenities and infrastructure facilities, time schedule for shifting and resettling etc.; the Administrator to ensure inclusion of the estimated cost of rehabilitation and resettlement; and the communication to the requiring body for incorporation in the project cost the entire cost of rehabilitation and resettlement benefits, etc.

Clause 24.—seeks to provide for submission by the Administrator for Rehabilitation and Resettlement to the appropriate Government; the approved scheme or plan for rehabilitation and resettlement to be published in the Official Gazette by the appropriate Government and the plan or scheme to come into force on final publication.

Clause 25.—seeks to provide for declaration by the appropriate Government of any area as resettlement area for rehabilitation and resettlement.

Clause 26.—seeks to provide for settlement of affected families; wherever possible, in a group or groups.

Clause 27.—seeks to authorise the Administrator for Rehabilitation and Resettlement to enter into agreement on behalf of appropriate Government, with any person for purchase or exchange of land required for rehabilitation and resettlement scheme/plan subject to the prescribed rules.

Clause 28.—seeks to make it the responsibility of the requiring body to provide requisite funds to the Administrator for Rehabilitation and Resettlement for implementation of the scheme/plan for affected families; the requiring body to deposit 1/3rd cost of the scheme or plan with the Administrator for Rehabilitation and Resettlement on finalisation of the scheme or plan.

Clause 29.— seeks to provide that the compensation award, full payment of compensation etc., shall precede actual displacement of affected families where land acquisition is on behalf of a requiring body.

Clause 30.—seeks to provide that in case of involuntary displacement of certain number of families in plain areas/tribal or hilly areas, DDP blocks etc., comprehensive infrastructure facilities shall be provided in the resettlement area.

Clause 31.—seeks to provide that the resettlement area forms part of a panchayat or municipality.

Clause 32.—seeks to provide that where land is acquired because of urgency under the Land Acquisition Act, 1894 the affected families to be provided with transit and temporary accommodation pending rehabilitation and resettlement scheme or plan in addition to monthly subsistence allowance, etc.

Clause 33.—seeks to provide for peripheral development by the requiring body like socio-economic development, earmarking percentage of net profit to be spent for the purpose, and coordination with the Commissioner for Rehabilitation and Resettlement while carrying out development activities.

Clause 34.—seeks to provide for extension of rehabilitation and resettlement benefits to the affected families.

Clause 35.—seeks to provide for housing benefits to an affected family, owning house and whose house has been acquired, in the form of land or house.

Clause 36.—seeks to provide for allotment of agricultural land to an affected family whose agricultural land has been acquired or who has been reduced to the status of marginal farmer; each person whose name is included in the records of rights with regard to the affected family to be given a one time financial assistance subject to a minimum of 10,000 rupees; and in case of allotment of wastelands, each such person to be given one time financial assistance subject to a minimum of 15,000 rupees, etc.

Clause 37.—seeks to provide that the stamp duty etc. for registration of land or house to be borne by the acquiring body; such land to be free from all encumbrances land to be in the names of wife and husband of the affected family.

Clauses 38, 39 and 40.—seek to provide that displaced affected families having cattle to get one time financial assistance; one time transportation cost for shifting of family etc.; and the affected person where he is rural artisan, small trader or self employed, to get one time financial assistance prescribed by the appropriate Government subject to a minimum of 20,000 rupees for construction of working shed or shop.

Clause 41.—seeks to provide that the acquiring body shall give preference to the affected families in providing employment in the project; where necessary, to arrange for training of affected persons, to give preference to affected persons or their groups or cooperatives in the allotment of outsourced contracts, shops etc., give preference to willing landless labourers while engaging labourers in the project; and offer scholarships and other skill development opportunities.

Clause 42.— seeks to provide for rehabilitation grant to the affected families or where the acquiring body is a company authorised to issue shares etc., such families to be given shares or debentures, as may be prescribed.

Clauses 43 and 44.—seek to provide that in the case of acquisition for land development projects, in lieu of land-for-land or employment, the affected families to be given land or built up space; in case of irrigation of hydel projects the affected families may be allowed fishing rights in the reservoirs in the prescribed manner.

Clause 45.—seeks to provide that where the project involves land acquisition on behalf of acquiring body, the involuntary displaced affected family shall get a monthly subsistence allowance equivalent to 25 days minimum agricultural wages per month for one year.

Clause 46.—seeks to provide for payment of pension for life by the project authorities to the affected persons covered under clause (v) of sub-clause 2 of clause 21 to be prescribed by the appropriate Government subject to a minimum of 500 rupees per month.

Clause 47.—seeks to provide that in the case of linear acquisitions, that is, projects relating to railway lines, highways laying of pipelines, etc., each person included in the records of rights with regard to the affected family to be offered by requiring body *exgratia* grant as may be prescribed in addition to the compensation and benefits under the Bill or programme or scheme; where that land holder becomes landless or reduced to be "small" or "marginal" farmer, other rehabilitation and resettlement benefits under the Bill shall also be extended to such affected family.

Clause 48.—seeks to provide for affected families to have the option to take lump-sum amount in lieu of benefits specified in clauses 35 to 47 to be determined by the appropriate Government in consultation with the requiring body.

Clause 49.—seeks to make special provisions for rehabilitation and resettlement of members of the Scheduled Tribes and Scheduled Castes, such as, tribal development plan to be prepared, laying down of procedure for settling land rights; such affected families to be given preference in allotment of land for land; at least one-third of compensation amount to be paid to the affected families at the outset etc.; where such affected families are re-settled out of district, to get 25% higher rehabilitation and resettlement benefits specified in sub-clauses (3) and (4) of clause 36, clauses 38, 39 and 40; and such affected families if enjoying reservation benefits in the affected areas shall get such benefits at the resettlement area, etc.

Clause 50.—seeks to provide for the affected Scheduled Tribe families, who were in possession of forest land prior to 13th December, 2005 to be eligible for benefits of rehabilitation and resettlement under the Bill.

Clause 51.—provides for indexation of rehabilitation grant and other monetary benefits.

Clause 52.—provides for punishment for false information.

Clause 53.—seeks to cast a duty on the officers of the Central Government, State Governments, etc., to assist the Administrator for Rehabilitation and Resettlement for carrying out the purposes of the Bill.

Clause 54.—seeks to bar the jurisdiction of civil courts to entertain suits or proceedings in matters which the Administrator for Rehabilitation and Resettlement, Commissioner for Rehabilitation and Resettlement or the Ombudsman is empowered to determine, etc.

Clause 55.—seeks to provide that officers (Administrator for Rehabilitation and Resettlement, Commissioner for Rehabilitation and Resettlement and Ombudsman) appointed under the Bill, acting in pursuance of the provisions of the Bill, to be deemed to be public servants.

Clause 56.—seeks to indemnify against any suit, prosecution or legal proceedings, the appropriate Government, local body or authority etc., for acts done or purported to be done under the Bill or rules etc., made thereunder.

Clause 57.—seeks to provide that the Central Government may remove any difficulty that arises in giving effect to the provisions of the Bill by an order not in consistent with the provisions of the Bill up to a period of 3 years from the commencement of the Bill and such order to be laid before each House of Parliament.

Clause 58.—seeks to provide for over-riding effect of the Bill over all land related laws {except the Provisions of the Panchayats (Extension to Scheduled Areas) Act}, 1996 etc.

Clause 59.—seeks to empower the appropriate Government to make rules for carrying out the functions and duties etc., under the Bill.

Clause 60.—seeks to provide that a scheme or plan for rehabilitation may provide for benefits higher than the extent and the amount of benefit laid down under the Bill.

FINANCIAL MEMORANDUM

Clause 14 of the Bill provides for the appointment of an Ombudsman by the appropriate Government, in such manner as may be prescribed for time-bound disposal of grievances arising out of the matters covered under this Bill; to consider and dispose of all complaints relating to resettlement and rehabilitation against the decision of the Administrator for Rehabilitation and Resettlement or Resettlement and Rehabilitation Committee and issue such directions to the Administrator for Rehabilitation and Resettlement, the District Collector or Deputy Commissioner of the district, as he may deem proper for the redressal of such grievances.

Clause 15 of the Bill provides that in case a project covers an area in more than one State or Union Territory where the project affected families are or had been residing, or proposed to be resettled, the Central Government shall, in consultation with the concerned States and Union Territories, appoint the Ombudsman for the purpose of the Bill.

Appointment and functioning of the office of the Ombudsman will involve both recurring and non-recurring expenditure, which would be a part of the administrative expenditure of the Ministry.

Clause 16 of the Bill provides for constitution of a National Monitoring Committee by the Central Government for reviewing and monitoring the implementation of rehabilitation and resettlement schemes or plans under the Bill. The Committee may, besides having representatives of the concerned Ministries and Departments of the Central and State Governments, associate with it eminent experts from the relevant fields. The Central Government shall provide officers and other employees to the Committee as may be necessary for its efficient functioning. The terms and conditions subject to which the Committee members and other staff may be appointed and the time, place and procedure of the meetings shall be as may be prescribed by the Central Government. The Central Government may also envisage to create a National Monitoring Cell in the Ministry of Rural Development to service the National Monitoring Committee. This may involve payment of allowances to the experts, salary and other expenses for the officers and staff provided to the committee. These expenditure would be of a recurring as well as non-recurring in nature.

Clause 19 of the Bill provides for setting up of a National Rehabilitation Commission by the Central Government with the power to exercise external oversight over rehabilitation and resettlement of the affected persons covered under the Bill and the terms and conditions subject to which the Chairperson and other members of the Commission may be appointed. This would involve expenditure of a recurring and non-recurring nature, which would be a part of the administrative expenditure of the Ministry.

The exact expenditure which will be involved under the proposed Bill will depend upon the composition/appointment of the above mentioned Committee, Commission and Ombudsman. Hence, it is not possible to visualise the exact estimate of the recurring and non-recurring expenditure for the purpose at this stage.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (1) of clause 4 seeks to prescribe by rules, the manner in which Social Impact Assessment study is to be carried out in the proposed affected area. Sub-clause (1) of clause 7 of the Bill seeks to provide that Social Impact Assessment clearance shall be granted in such manner and within such time as may be prescribed by rules. Clause 8 of the Bill provides that projects involving emergency acquisition of minimum area of land by the Central Government for the purpose of defence and national security may be exempted, subject to such institutional safeguards as may be prescribed by rules. Sub-clause (3) of clause 12 of the Bill seeks to provide by rules the procedure regulating the business of the Rehabilitation and Resettlement Committee, its meetings and other matters connected thereto.

2. Sub-clause (2) of clause 13 of the Bill seeks to provide, by rules, the composition, powers, functions and other matters relating to the functioning of the Rehabilitation and Resettlement Committee at the district level by the State Government.

3. Sub-clause (1) of clause 14 of the Bill seeks to provide, by rules, the manner of appointment of ombudsman by the appropriate Government for time-bound disposal of grievances arising out of the matters covered under the Bill. Sub-clause (3) of said clause provides for making rules in respect of form and manner in which and the time in which complaints may be made and disposed of by him.

4. Sub-clause (3) of clause 16 of the Bill seeks to empower the Central Government to prescribe by rules, the procedures to be followed by the National Monitoring Committee. The composition, functions and procedure of the Oversight Committee under Sub-clause (2) clause 18 shall be such as may be prescribed by rules. Sub-clause (2) of clause 19 of the Bill seeks to provide for the composition, terms and conditions, powers and the procedure of transaction of business of the National Rehabilitation Commission.

5. Sub-clause (2) of clause 20 of the Bill seeks to empower the appropriate Government to prescribe by rules, the method in which a copy of notification of notice of declaration of effected areas may be affixed. Sub-clause (4) of clause 21 seeks to provide for making rules in regard to manner in which the Administrator for Rehabilitation and Resettlement shall, by notification, publish a draft of the details of the findings of the survey conducted. Sub-clause (2) of clause 23 of the Bill seeks to provide that the draft rehabilitating and resettlement scheme of plan shall be made known locally by wide publicity in the affected area and the resettlement area in such manner as may be prescribed by rules by the appropriate Government.

6. Clause 27 of the Bill seeks to provide that the Administrator for Rehabilitation and Resettlement may, on behalf of the appropriate Government, and subject to such rules as may be prescribed, enter into an agreement with any person for the purpose of the rehabilitation and resettlement scheme of plan.

7. Sub-clause (3) of clause 28 seeks to provide the manner to be prescribed by rules in which the Administrator for Rehabilitation and Resettlement shall keep proper books of accounts and records of the funds for rehabilitation and resettlement.

8. Sub-clause (3) and (4) of clause 36 seeks to provide one time financial assistance to affected family of such amount as the appropriate Government may prescribe by rules.

9. Clause 38 of the Bill seeks to provide by prescribing rules one-time financial assistance to the affected family to construct cattle shed. Clause 39 of the Bill seeks to provide by rules one-time financial assistance for transportation cost for shifting of the family, etc. Clause 40 of the Bill seeks to provide by prescribing rules one-time financial assistance for construction of working shed or shop. Clause 42 of the Bill seeks to prescribe by rules the manner in which rehabilitation grant shall be provided.

10. Clause 43 of the Bill seeks to provide, by rules, the limits of land for the purposes of said clause. Clause 44 of the Bill seeks to provide manner in which fishing rights in the

reservoirs shall be given to the affected families by the appropriate Government by prescribing rules. Clause 46 of the Bill seeks to provide, by rules, the amount which shall be payable as monthly pension for life to the vulnerable affected persons. Clause 47 of the Bill seeks to provide an *ex-gratia* grant of amount as the appropriate Government may prescribe by rules. Sub-clause (1) of clause 49 seeks to prescribe, by rules, the forms for the purposes of the said clauses.

11. Sub-clause (2) of clause 58 enumerates the matters on which rules may be made by the appropriate Government. Sub-clauses (2) and (3) of clause 58 provide that rules made under the Bill are required to be laid before Parliament or the State Legislature, as the case may be.

The aforesaid matters in respect of which rules may be made by the Central Government or the State Government relate to matters of procedure or administrative details and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

P. D. T. ACHARY,
Secretary-General.